THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
1934
OF THE UNITED STATES
VOLUME 14 NUMBER 196
Washington, Tuesday, October 11, 1949

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Pear Order 2, Amdt. 1]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON AND CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. (1) Pursuant to the marketing agreement and Order No. 39 (7 CFR Part 939) regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of such pears.

Order, as amended. During the period beginning at 12:01 a. m., P. s. t., October 12, 1949, and ending at 12:01 a. m., P. s. t., July 1, 1950, subparagraphs (v) and (vii) of paragraph (b) (1) of § 939.302 (Pear Order 2; 14 F. R. 5238) shall read, respectively, as follows:

(v) Any Beurre D'Anjou or Doyenne du Comice pears which are of a size smaller than the 180 size;

(vii) Any Beurre Easter or Beurre Clairgeau pears which are of a size smaller than the 165 size;

Nothing contained herein shall be construed (1) as affecting or waiving any right or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Pear Order 2, or (2) as releasing or extinguishing any violation of said Pear Order 2 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(48 Stat. 31, as amended, 7 U. S. C. and Sup. I 601 et seq., 7 CFR Part 939)

Done at Washington, D. C., this 5th day of October 1949.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-8131; Filed, Oct. 10, 1949; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 45-1]

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

INTRASTATE COMMERCIAL OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 4th day of October 1949.

Part 45 currently requires all persons engaging in the carriage in air commerce of goods or passengers for compensation or hire to operate under the same or equivalent safety requirements as those required of air carriers engaging in irregular or off-route operations. Since air commerce as defined in the Civil Aeronautics Act of 1938, as amended, embraces any operation of aircraft on any civil airway or any operation of aircraft which directly affects or which may endanger safety in interstate air com-

(Continued on next page)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

merce, and since the Board has determined that the "operation of any aircraft in the airspace overlying the United States either directly affects, or may endanger safety in, interstate, overseas, or foreign air commerce,"[1] it is clear that the current provisions of Part 45 apply to intrastate operation of aircraft carrying goods or passengers for compensation or hire.

However, the Board does not believe that Part 45 presently provides appropriate certification and operating requirements for a commercial operator who is conducting passenger operations on a frequent or regular basis. Operations of this type are in the same category from the point of view of air safety as the certificated feeder air carriers who are required to operate under the higher safety standards established by Parts 40 and 61. The Board, therefore, is amending Part 45 to require commercial operators who are conducting an intrastate operation with the degree of regularity or frequency set forth in § 45.3 (a) of the amended part to comply with the certification and operation requirements generally comparable to those required of the feeder air carriers to whose operations these intrastate commercial operations bear close resemblance, at least from a safety viewpoint.

This amendment will require the operators thereby affected to establish company communication and dispatching systems, qualify their pilots over the routes, and to establish a company owned maintenance organization, unless the Administrator finds that other certification or operating "requirements * * * will provide an appropriate level of safety for the operation" proposed.

In order to simplify administration of the regulations and to avoid unnecessary duplication of certificates, the regulation is amended to authorize the air carriers to conduct private carriage operations, to the extent that it may be possible for an air carrier to conduct such operations, without obtaining a commercial operator certificate, unless the air carrier holds only a Part 42 certificate and operates as a common carrier between two points entirely within a State with the frequency set forth in § 45.3 (a)

Of course, any private carriage operations by an air carrier would be subject to the operating requirements of Part 42 through the provisions of this part. It will also be noted that for similar reasons we are requiring that where common carrier operations between points entirely within a State are conducted with the frequency set forth in § 45.3 (a), all

[1] See Civil Aeronautics Board Regulations Serial Number 193, adopted October 10, 1941.

operations between such points be conducted under the requirements of Part 61. We find that these provisions which are important for adequate administration and enforcement of the part do not impose any undue additional burden on an operator.

In consideration of the foregoing the Board finds the amendment adopted herein [2] is reasonable and is necessary to provide adequately for safety in air commerce.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 45 of the Civil Air Regulations (14 F. R. 4276) effective November 10, 1949, to read as follows:

Sec.
45.1 Applicability of part.
45.2 Certificate required.
45.3 Certification requirements.
45.4 Operating rules.
45.5 Certificate rules.

AUTHORITY: 45.1 to 45.5 issued under secs. 205 (a), 601, 607, 52 Stat. 984, 1007, 1011, 62 Stat. 1216; 49 U. S. C. 425 (a), 551, 557.

§ 45.1 *Applicability of part.* The provisions of this part shall be applicable to citizens of the United States engaging in the carriage in air commerce of goods or passengers for compensation or hire, unless such carriage is conducted under the provisions of an air carrier operating certificate issued by the Administrator. For the purpose of this part, student instruction, banner towing, crop dusting, seeding, and similar operations shall not be considered as the carriage of goods or persons for compensation or hire.[3]

§ 45.2 *Certificate required.* No person subject to the provisions of this part shall engage in air commerce using aircraft of 12,500 pounds or more certificated maximum take-off weight until he has obtained from the Administrator a commercial operator certificate: *Provided,* That any such person may engage in operations subject to the provisions of this part without a commercial operator certificate until such time as the Administrator shall pass on his application for such certificate, but in no case later than January 1, 1950, if he (a) is engaged in such operations on the date of adoption of this part and (b) has filed with the Administrator an application for such certificate not later than June 1, 1949: *Provided further* That no person holding an air carrier operating certificate shall be required to obtain or be eligible for any commercial operator certificate unless he holds only an air carrier operating certificate issued pursuant to Part 42 of this chapter and conducts or intends to conduct flights between two or more points within a State with the frequency set forth in § 45.3 (a)

§ 45.3 *Certification requirements.* A commercial operator certificate shall be issued to an applicant who demonstrates to the Administrator that he is capable of conducting his operations in accordance with the provisions of Part 42 of this chapter as heretofore or hereafter amended, or at any equivalent level of safety: *Provided,* That an applicant who carries or intends to carry passengers for compensation or hire as a common carrier between any two points [4] entirely within any State with the frequency set forth in paragraph (a) of this section shall demonstrate that he is capable of conducting those operations in accordance with the requirements of Part 40 of this chapter, as heretofore or hereafter amended, except §§ 40.1 and 40.5 through 40.8, or with such other certification requirements as the Administrator finds will provide an appropriate level of safety for the operation.[5]

(a) Two flights, or one round trip, a week on the same day or days of the week for any eight or more weeks in any 90 consecutive days; or a total of 36 or more flights, or 18 or more round trips, in any 90 consecutive days.

§ 45.4 *Operating rules.* (a) Except as provided in paragraph (b) of this section, all persons subject to the provisions of this part shall, in the conduct of operations subject hereto, comply with the operating requirements of Part 42 of this chapter as heretofore or hereafter amended, except that no person shall be required to comply with the provisions of § 42.12, fire prevention requirements, until January 1, 1950. Operating requirements shall be deemed to include requirements relating to aircraft and equipment, maintenance, flight crew, flight time limitations, flight operation, aircraft operating limitations, and related record-keeping and reporting requirements.

(b) Persons subject to the provisions of this part who conduct common carrier operations subject hereto between points entirely within a State with the frequency described in § 45.3 (a) shall, in the conduct of all operations between such points, comply with the requirements of Part 61 of this chapter, as heretofore or hereafter amended, except §§ 61.1 and 61.2, or with such other operating requirements as the Administrator finds will provide an appropriate level of safety for the operations.

§ 45.5 *Certificate rules.* The certificate rules prescribed in §§ 42.5 through 42.9 of this chapter shall be applicable to commercial operator certificates.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 49-8132; Filed, Oct. 10, 1949; 8:48 a. m.]

[2] For the convenience of the public, the entire text of Part 45 is set forth as amended.

[3] Under circumstances where it is doubtful whether the operations are for "compensation or hire," the test to be applied is whether the air carriage is merely incidental to the operator's other business or is, in and of itself, a major enterprise for profit.

[4] The term "point" as used in this section shall have the same meaning as that established by § 291.1 (b) of subchapter B of this chapter. Section 291.1 (b) defines point to include "any airport or place where aircraft may be landed or taken off, including the area within a 25-mile radius of such airport or place."

[5] Note that an air carrier holding an air carrier operating certificate issued under the provisions of Part 42 of this chapter may not conduct intrastate operations with the frequency specified in paragraph (a) of this section without first obtaining a commercial operator certificate.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-405]

PART 184—FOUNTAIN PEN AND MECHANICAL PENCIL INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 5th day of October 1949.

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act) and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I, as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of October 11, 1949.

Statement by the Commission. Trade practice rules for the Fountain Pen and Mechanical Pencil Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

Members of the industry are the persons, firms, and corporations engaged in the business of manufacturing (or assembling) and selling or placing on the market fountain pens, ball point pens, dip pens, or mechanical pencils, of any type and in any combination, or of any parts or accessories for such pens and pencils. Annual sales of such industry products at retail aggregate $250,000,000.

The rules are directed to the prevention of unfair competitive methods and trade abuses in the interest of protecting the industry, the trade, and the public. They define and proscribe various practices deemed to be unfair, harmful and violative of laws administered by the Commission, thus affording guidance and assistance to members of the industry in maintaining the conduct of their business on a high plane of ethical standards.

Proceedings leading to the establishment of rules were instituted upon application made on behalf of industry members. A general industry conference was held in New York City at which proposals for rules were submitted for the consideration of the Commission. Thereafter, a draft of proposed rules in appropriate form was released and made available and public notice given of hearing thereon, whereby all interested or affected parties were afforded opportunity to present their views, including such pertinent information, suggestions, or objections respecting such proposed rules as they desired to offer. Following such hearing, and upon consideration of the

entire matter, final action was taken by the Commission whereby it approved rules for the industry as set out below.

Such approved rules become operative thirty (30) days from the date of promulgation.

These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

General statement. The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.

AUTHORITY: §§ 184.0 to 184.16 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46.

§ 184.0 *Definition.* Industry products, as referred to in §§ 184.1 to 184.16, include fountain pens, ball point pens, dip pens, and mechanical pencils, of all types and combinations, as well as parts and accessories for such pens and pencils.

GROUP I

§ 184.1 *Misrepresentation and misbranding.* It is an unfair trade practice to use, or cause or promote the use of, any representation of an industry product which has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public—

(a) With respect to the brand, grade, origin, quality durability, serviceability content, construction, size, use, value, performance, or expected life of such product; or

(b) With respect to the amount of writing which any fountain pen, ball point pen, and mechanical pencil is capable of supplying to the user thereof without a refill of ink or lead; or with respect to the writing capacity of any ink or lead refills for any such products; or

(c) With respect to the price, value, or terms or conditions of sale, of any industry product; or

(d) With respect to the manufacture, distribution, or marketing of any such product; or

(e) With respect to the uniqueness or originality of such product, or the relative size of the business of a manufacturer of an industry product; or

(f) In any other material respect.

This section applies to any and all advertisements, however disseminated or published, and includes representations or designations appearing in any label, brand, mark, or imprint affixed to the industry product, or on or attached to the box or package containing such product, or which are made through newspapers, magazines, radio, or other media. [Rule 1]

§ 184.2 *False and deceptive selling methods.* To use or promote the use of any selling method which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public is an unfair trade practice. [Rule 2]

§ 184.3 *Misrepresentation as to character of business.* It is an unfair trade practice for any concern in the course of, or in connection with, the distribution of industry products, to represent, directly or indirectly, that it is a manufacturer of industry products, or that it owns or controls a factory making such products, when such is not the fact, or in any other manner to misrepresent the character, extent, or type of its business. [Rule 3]

§ 184.4 *Misuse of the word "free," etc.* Use of the word "free," or words of similar import, in advertising to designate or describe and industry product which is not in truth and in fact a gift or gratuity, or is not given to the recipient thereof without requiring the purchase of other merchandise or requiring the performance of some service inuring directly or indirectly to the benefit of the industry member using such word, is an unfair trade practice. [Rule 4]

§ 184.5 *Guarantees, warranties, etc.* (a) It is an unfair trade practice to use or cause to be used a guarantee which is false, misleading, deceptive, or unfair to the purchasing or consuming public.

(b) Under this section guarantees of the following type or character shall not be used:

(1) Guarantees containing statements, representations, or assertions which have the capacity and tendency or effect of misleading and deceiving in any respect; or

(2) Guarantees which are so used or are of such form, text, or character as to import, imply, or represent that the guarantee is broader than is in fact true; or

(3) Guarantees in which any condition, qualification, or contingency applied by the guarantor thereto is not fully and nondeceptively stated therein, or is stated in such manner or form as to be deceptively minimized, obscured, or concealed, wholly or in part; or

(4) Guarantees which are stated, phrased, or set forth in such manner that although the statements contained therein are literally and technically true, the whole is misleading in that purchasers or users are not made sufficiently aware of certain contingencies or conditions applicable to such guarantees which materially lessen the value or protection thereof as a guarantee to purchasers or users; or

(5) Guarantees which purportedly extend for such indefinite or unlimited period of time or for such long period of years as to have the capacity and tendency or effect of thereby misleading or deceiving purchasers or users into the belief that the product has or is definitely known to have greater degree of serviceability or durability in actual use than is in fact true; or

(6) Guarantees which have the capacity and tendency or effect of otherwise misrepresenting the serviceability, durability, or lasting qualities of the product, such as, for example, a guarantee extending for a certain number of years or other long period of time when the ability of the product to last, endure, or remain serviceable for such period of time has not been established by actual experience or by competent and adequate tests definitely showing in either case that the product has such lasting qualities under the conditions encountered or to be encountered in the respective locality where the product is sold and used under the guarantee; or

(7) Purported guarantees in the form of documents, promises, representations or other form which are represented or held out to be guarantees when such is not the fact, or when they involve any deceptive or misleading use of the word "Guarantee" or terms of similar import; or

(8) Guarantees issued, or directly or indirectly caused to be used, by any member of the industry when or under which the guarantor fails or refuses to scrupulously observes his obligation thereunder or fails or refuses to make good on claims coming reasonably within the terms of the guarantee; or

(9) Guarantees which in themselves or in the manner of their use are otherwise false, misleading, or deceptive.

(c) This section shall be applicable not only to guarantees but also to warranties, to purported warranties and guarantees, and to any promise or representation in the nature of or purporting to be a guarantee or warranty. [Rule 5]

§ 184.6 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade or quality of the products of

competitors or of the source or origin of raw materials or component parts used in their products, or the false disparagement of the nature or form of business conducted by competitors, their credit terms, values, policies, or services, or other false disparagement, is an unfair trade practice. [Rule 6]

§ 184.7 *Commercial bribery.* It is an unfair trade practice for any member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gifts or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors. [Rule 7]

§ 184.8 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 8]

§ 184.9 *Fictitious prices.* It is an unfair trade practice to sell or offer for sale industry products at prices purported to be reduced from what are in fact fictitious prices, or to sell or offer for sale such products at a purported reduction in price when such purported reduction is in fact fictitious or is otherwise misleading or deceptive. [Rule 9]

§ 184.10 *Combination or coercion to fix prices, suppress competition, or restrain trade.* It is an unfair trade practice for a member of the industry, or any other person:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any member of the industry or other person to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more members of the industry, or with one or more other persons, to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 10]

§ 184.11 *Prohibited discrimination—*(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* In the marketing in commerce[1] of products of the industry of like grade and quality for use, consumption, or resale within the jurisdiction of the United States, and subject to subparagraph (1) (i) (ii) and (iii) of this paragraph, it is an unfair trade practice for any member of the industry engaged therein to discriminate in price between different purchasers where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with such industry member or with any person who knowingly receives the benefit of such discrimination or with their customers.

(1) The inhibitions against such discrimination in price shall be applicable irrespective of whether the discrimination in the price itself is effected in the form, or through the means, of rebates, refunds, discounts, credits, allowances, or other form of price differential.

(i) Nothing, however, herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the products are sold or delivered to said purchasers.

(ii) Nor shall anything herein contained prevent persons engaged in selling products in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade.

(iii) Nor shall anything herein contained prevent price changes from time to time where made in response to changing conditions affecting either (*a*) the market for the products concerned, or (*b*) the marketability of the products, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the products concerned.

(b) *Prohibited brokerage or commissions.* In the selling of industry products in commerce,[1] it is an unfair trade practice for any member of the industry engaged therein to pay or grant, or to receive or accept, any commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of such products, either to the other party to such transaction or to an agent, representative, or other intermediary therein, where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* In the selling of industry products in commerce[1] by any member of the industry, and in the course thereof, it is an unfair trade practice for such member to pay or contract for the payment of anything of value to or for the benefit of his customer as compensation or in consideration for certain services or facilities furnished by or through such customer, unless such payment or consideration is available on proportionally equal terms to all other customers of such member competing in the distribution of such products.

(1) As used in this paragraph, the certain services or facilities referred to are such as are furnished by or through the customer in connection with the processing, handling, sale, or offering for sale, of such industry member's products.

(d) *Prohibited discrimination in services or facilities.* In the sale of industry products bought for resale, with or without processing, it is an unfair trade practice for any member of the industry to discriminate in favor of one purchaser against another purchaser by furnishing certain services or facilities upon terms not accorded to all purchasers on proportionately equal terms.

(1) Said services or facilities referred to in this paragraph are such as are connected with the processing, handling, sale, or offering for sale, of the products purchased, and the term "furnishing" as used in this paragraph shall be construed as including contracting to furnish, and contributing to the furnishing of, the services or facilities.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry, in the course of commerce[1] in which he is engaged, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exceptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. [Rule 11]

§ 184.12 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in §§ 184.1 to 184.16. [Rule 12]

§ 184.13 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry willfully to entice away employees of competitors with the purpose and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition.

NOTE: Nothing in this section shall be construed as prohibiting employees or agents from seeking or obtaining more favorable employment, or as preventing manufacturers or sellers from soliciting business from any dealers or other prospective purchasers or marketers in good faith and by means of fair competitive methods.

[Rule 13]

§ 184.14 *Marketing of products through lottery or game of chance.* It is an unfair trade practice for any member of the industry to sell or promote the sale of any industry product by means of a game of chance, gift enterprise, or lottery scheme.

[1] As used throughout this section, the word "commerce" means "trade" or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

The inhibitions of this section shall be understood as extending to the marketing of an industry product which is specially packaged or assembled so as to facilitate its resale or distribution by a customer of an industry member to the public by means of a game of chance or lottery scheme, and to the marketing or supplying of any lottery device by an industry member to his customer either separately or in conjunction with an industry product. [Rule 14]

§ 184.15 *False use of the terms "Iridium Tipped" and "Osmiridium Tipped"* (a) It is an unfair trade practice to use the term "Iridium Tipped" as descriptive of a pen point when such point has not in fact been tipped with iridium, such iridium being either in its pure state or in an alloy in which iridium is present in not less than 950 parts per 1,000 by weight.

(b) It is an unfair trade practice to use the term "Osmiridium Tipped" as descriptive of a pen point when such point has not in fact been tipped with osmium and iridium alloy, which alloy is either the natural or man-made alloy consisting of not less than 950 parts per 1,000 by weight of platinum group metals with osmium and iridium each present in substantial proportions and the two combined forming the predominating part of the alloy.

(c) Nothing in this section shall be construed as prohibiting use of the word "osmium" or "iridium" as descriptive of metal contained in an alloy provided the metal so named is present in the alloy in substantial proportions and either the respective percentage thereof is shown or the other metals contained in such alloy are also stated in such manner as to involve no deception in respect to the alloy or metal. [Rule 15]

§ 184.16 *Deception as to gold or purported gold content*—(a) *Misrepresentation and deceptive concealment.* (1) It is an unfair trade practice to cause any fountain pens or mechanical pencils to be marketed under circumstances or conditions which have the capacity and tendency or effect, directly or indirectly, of misleading or deceiving the purchasing or consuming public in respect to the gold or purported gold content of such products or any parts thereof; the karat fineness of any gold alloy therein, the thickness, quantity, or character of the coating or plating of gold or gold alloy used thereon; or in any respect as to the true metal or material content of any parts of such products which are manufactured, coated, plated, dyed, or finished in simulation of gold or gold alloy.

(2) Such inhibition in subparagraph (1) of this paragraph shall apply to all forms and types of misrepresentation, misbranding, and deceptive concealment or nondisclosure which have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any of the respects mentioned.

(b) *Use of the word "Gold" or its abbreviation.* Use of the word "Gold," or abbreviation of such word, as descriptive of fountain pens or mechanical pencils, or parts thereof, under circumstances or conditions which have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice. Under this paragraph the word "Gold," or abbreviation thereof, should not be used as descriptive of any such product or part—

(1) Unless such part is composed throughout of gold of 24 karat fineness; or

(2) Unless the part is composed throughout of gold alloy of not less than 10 karat fineness and the karat fineness thereof is shown in immediate conjunction with the word "Gold," as for example, "14K Gold;" or

(3) Unless the part is mechanically plated with gold, or gold alloy of not less than 10 karat fineness, and the fact that the part is plated and the proportional weight and karat fineness of the plate are shown in a clear and nondeceptive manner in immediate conjunction with such word "Gold" or its abbreviation, set forth in conformity with the provisions of Commercial Standard CS47–34 relative to the marking of gold filled and rolled gold plate articles other than watch cases, as for example, "1/20 14K Gold Filled," "1/20 14K G. F.," or "1/40 14K Rolled Gold Plate," or "1/40 14K R. G. P." or

(4) Unless where the part has a covering of gold or of gold alloy of not less than 10 karat fineness which has been applied by an electrolytic process or method and is of a minimum thickness throughout equivalent to seven-millionth (0.000007) of an inch thickness of pure gold and the fact that the part is electroplated is shown in a clear and nondeceptive manner in immediate conjunction with the word "Gold," or its abbreviation, as for example "Gold Electroplated." (Nothing in this section shall be construed as prohibiting use of the word "Gold" in the designation "Gold Washed" or "Gold Flashed" as descriptive of the products or parts which are electroplated with gold to a lesser thickness than the above-mentioned seven-millionth (0.000007) of an inch.)

(c) *Deceptive use of other terms implying gold content.* It is an unfair trade practice to use the terms "Duragold," "Dirigold," "Noblegold," "Goldine," "Gold-Appearing," "Gold Effect," "Miragold," or any term or designation of similar import, or any phrase or representation indicating the substance, charm, quality, or beauty of gold or natural gold, as descriptive of any part or parts of a fountain pen or mechanical pencil, when the part or parts so described are not composed throughout of pure gold or of an alloy of gold of at least 10 karat fineness; or when, although composed of such an alloy, the karat fineness thereof is not clearly and conspicuously shown in immediate conjunction with the terms or representations, or when such terms or representations are otherwise used in a manner or form having the capacity and tendency or effect of deceiving purchasers or prospective purchasers. [Rule 16]

Promulgated by the Federal Trade Commission October 11, 1949.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 49–8107; Filed, Oct. 10, 1949; 8:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

CONTINUANCE OF UNLISTED TRADING PRIVILEGES ON MERGED EXCHANGES

The Securities and Exchange Commission today announced an amendment to its § 240.12f–6 (Rule X–12F–6) under the Securities Exchange Act of 1934, adopting a proposal published for comment on August 26, 1949.

The Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly sections 12 (f) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in the Commission by the act, hereby amends § 240.12f–6 to read as set forth below:

§ 240.12f–6 *Continuance of unlisted trading privileges on merged exchanges.* (a) Subject to section 12 (f) as amended, and the rules and regulations thereunder, a national securities exchange which has absorbed another exchange may, without further order of the Commission, continue unlisted trading privileges (1) in any security which was admitted to such privileges on the absorbed exchange pursuant to Clause (1) of section 12 (f), and (2) in any security which was admitted to such privileges on the absorbed exchange pursuant to Clause (2) or (3) of section 12 (f) if the vicinity of the surviving exchange includes the vicinity of the absorbed exchange.

(b) For the purpose of this section the vicinity of the surviving exchange shall include the vicinity of an absorbed exchange if the vicinities of the absorbed and surviving exchanges are located within a single geographic division or adjoining geographic divisions of the United States as classified by the United States Bureau of the Census.

In connection with section 4 (c) of the Administrative Procedure Act the Commission finds that the amendment has the effect of granting exemption or relieving restriction and directs that the amendment shall be effective October 5, 1949.

(Secs. 12 (f) 23 (a) 48 Stat. 892, 901, 15 U. S. C. 78*l*, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 4, 1949.

[F. R. Doc. 49–8126; Filed, Oct. 10, 1949; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

COLORADO

Correction to the Controlled Housing Rent Regulation and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.

Item 4 of Amendment 168 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) [1] and of Amendment 166 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) [1] issued and effective September 21, 1949, is corrected to read as follows:

4. Schedule A, Item 41b, is amended to describe the counties in the Defense-Rental area as follows:

In Fremont County, the metropolitan area of Canon City consisting of the municipalities of Canon City, South Canon and East Canon.

This decontrols the entire Canon City, Colorado, Defense-Rental Area, except the metropolitan area of Canon City consisting of the municipalities of Canon City, South Canon and East Canon, all in the State of Colorado.

(Sec. 204 (d) 61 Stat. 197, as amended by 62 Stat. 37, 94 and by Pub. Law 31, 81st Cong., 50 U. S. C. App. 1894 (d))

This correction shall be effective as of September 21, 1949.

Issued this 7th day of October 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-8137; Filed, Oct. 10, 1949; 8:48 a. m.]

[1] 14 F. R. 5830.

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

Appendix—Canal Zone Orders

[Canal Zone Order 18]

FORT WILLIAM D. DAVIS MILITARY RESERVATION

ESTABLISHMENT OF NEW BOUNDARIES

SEPTEMBER 14, 1949.

By virtue of the authority vested in The President of the United States by section 5 of title 2 of the Canal Zone Code and delegated to me by Executive Order No. 9746 of July 1, 1946, it is ordered as follows:

SECTION 1. *Setting apart of reservation; boundaries.* The following-described areas of land situated in the Canal Zone are hereby reserved and set apart as, and assigned to the uses and purposes of, a military reservation, which shall be known as Fort William D. Davis Military Reservation, and which shall be under the control and jurisdiction of the Secretary of the Army, subject to the provisions of section 2 of this order:

PARCEL NO. I

Beginning at monument No. 41, which is an 8 inch square concrete post, and which is located 100 feet easterly of the centerline of the Panama Railroad right-of-way (centerline of track span towers) and 77 feet more or less north of track span tower 4-15, the geographic position of which monument referred to the Canal Zone triangulation system is in latitude 9°17' N., plus 4,854.0 feet and in longitude 79°54' W., plus 5,900.0 feet from Greenwich.

Thence from said initial point by metes and bounds:

S. 07°32'40" E., 903.3 feet parallel to, and 100.0 feet from, the centerline of the Panama Railroad right-of-way, to monument No. 42, which is an 8 inch square concrete post;

On a curve to the left, parallel to, and 100.0 feet from, the centerline of the Panama Railroad right-of-way, to monument No. 43, which is an 8 inch square concrete post (the chord distance and bearing between monuments No. 42 and No. 43 being 778.9 feet, S. 09°57'40" E.);

S. 12°19'40" E., 57.6 feet to monument No. 44, which is an iron rod in concrete;

N. 32°30'20" E., 262.8 feet to monument No. 44-A, which is an iron rod in concrete;

N. 32°29'20" E., 1252.9 feet to monument No. 44-B, which is an iron rod in concrete, and which is 75.0 feet northwesterly of the Bolivar Highway centerline;

N. 32°40'00" E., 305.6 feet, parallel to, and 75.0 feet from, the Bolivar Highway centerline, to monument No. 2-J, which is an 8 inch square concrete post;

N. 30°35'30" W., 569.7 feet to monument No. 23, which is an 8 inch square concrete post;

S. 72°13'50" W., 392.5 feet to monument No. 23-A, which is an iron rod in concrete;

S. 72°14'20" W., 554.5 feet to monument No. 23-B, which is an iron rod in concrete;

S. 71°32'50" W., 55.9 feet to monument No. 41, the point of beginning.

Parcel No. I as described, contains an area of 31 acres, more or less.

PARCEL NO. II

Beginning at monument No. 13, which is a 1½ inch galvanized iron pipe and which is located on the approximate 90 foot contour of the west shore of the Quebrada Ancha Arm at Gatun Lake, the geographic position of which monument, referred to the Canal Zone triangulation system, is in latitude 9°17' N., plus 4,792.3 feet, and in longitude 79°52' W., plus 4,757.3 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 89°57'00" W., 1377.9 feet through monuments No. 13-A, 13-B, NFC, 13-C and 13-D (monuments 13-A, 13-C, and 13-D are 2 inch galvanized iron pipes; monuments 13-B and NFC are 8 inch square concrete posts), to monument No. 14, which is a 1½ inch galvanized iron pipe, the distances being 176.7 feet, 116.8 feet, 444.0 feet, 164.8 feet, 325.6 feet and 150.0 feet, successively, from beginning of course; from monument NFC to monument 14, inclusive, the boundary is coincident with the U. S. Naval Reservation, Gatun Tank Farm boundary;

N. 89°58'30" W., 1,396.0 feet, coincident with the U. S. Naval Reservation, Gatun Tank Farm boundary, through monuments Nos. 14-A, 14-B, 14-C, and 14-D (monuments 14-A, 14-B and 14-D are 2 inch galvanized iron pipes; monument 14-C is a 1½ inch galvanized iron pipe) to monument No. 15, which is a 1½ inch galvanized iron pipe, the distances being 86.6 feet, 348.1 feet, 168.9 feet, 556.3 feet and 226.1 feet, successively, from beginning of course;

S. 89°57'40" W., 515.7 feet, through monuments Nos. 15-A, 15-B and 15-C, which are 2 inch galvanized iron pipes, to monument No. 16, which is an iron rod in concrete, the distances being 87.0 feet, 126.5 feet, 263.2 feet and 39.0 feet, successively, from beginning of course; from monument 15 to monument 15-C, the boundary is coincident with the U. S. Naval Reservation, Gatun Tank Farm boundary;

N. 89°54'40" W., 383.0 feet, to monument No. 16-1, which is an iron rod in concrete;

S. 89°54'50" W., 172.2 feet, to monument No. 17-A, which is an iron rod in concrete;

S. 89°10'40" W., 300.1 feet to monument No. 18, which is a 2 inch galvanized iron pipe;

S. 76°04'10" W., 383.5 feet to monument No. 18-1, which is an iron rod in concrete;

S. 74°35'30" W., 597.8 feet to monument No. 18-A, which is an iron rod in concrete;

S. 75°26'30" W., 387.1 feet, to monument No. 18-A 1, which is an iron rod in concrete;

S. 74°47'40" W., 470.1 feet to monument No. 18-B, which is an iron rod in concrete;

S. 75°01'20" W., 93.4 feet, to monument No. 18-B 1, which is an iron rod in concrete;

S. 75°05'10" W., 2263.1 feet, through monuments Nos. 18-B 2, 18-C and 18-D (monument 18-B 2 is an iron rod in concrete, monuments Nos. 18-C and 18-D are 2 inch galvanized iron pipes), to monument No. MR-1, which is an 8 inch square concrete post, the distances being 377.9 feet, 385.1 feet, 891.0 feet and 614.1 feet, successively, from beginning of course;

N. 14°54'50" W., 1369.4 feet, through monuments Nos. MR-1A, MR-1B, MR-1C and MR-1D, all of which are 8 inch square concrete posts, to monument No. MR-1E, which is an 8 inch square concrete post, the distances being 131.6 feet, 241.4 feet, 160.5 feet, 477.6 feet and 358.3 feet, successively, from beginning of course;

N. 14°50'10" W., 314.6 feet, to monument MR-2, which is an 8 inch square concrete post;

N. 89°59'00" W., 231.7 feet, through monument No. MR-2X, which is an 8 inch concrete post, to monument MR-2Y, which is an 8 inch square concrete post, the distance being 144.0 feet and 137.7 feet, successively, from beginning of course;

S. 89°59'40" W., 377.5 feet to monument No. MR-2A, which is an 8 inch square concrete post;

S. 87°12'00" W., 165.6 feet, to monument No. MR-2B, which is an 8 inch square concrete post;

S. 89°23'40" W., 451.4 feet, through monument No. MR-2C, which is an 8 inch square concrete post, to monument MR-2D, which is an 8 inch square concrete post, the distances being 105.1 feet and 346.3 feet, successively, from beginning of course;

N. 83°22'10" W., 493.5 feet, through monument No. MR-2E, which is an 8 inch square concrete post, to monument No. MR-2F, which is an 8 inch square concrete post, the distances being 335.0 feet and 63.5 feet, successively, from beginning of course;

N. 89°45'40" W., 127.5 feet to monument No. MR-3, which is an 8 inch square concrete post;

S. 00°09'30" W., 386.2 feet, to monument No. MR-3A, which is an 8 inch square concrete post;

S. 09°02'20" E., 326.5 feet, to monument No. MR-3B, which is an 8 inch square concrete post, and which monument is the northeast corner of the U. S. Naval Radio Station;

S. 09°01'20" E., 671.9 feet, along the U. S. Naval Radio Station boundary, to monument No. MR-3C, which an 8 inch square concrete post;

N. 89°59'30" W., 719.8, feet, along the U. S. Naval Radio Station boundary, to monument No. MR-3D, which is an 8 inch square concrete post and which is located 25.0 feet easterly from the centerline of Andrews Road;

Parallel to, and 25.0 feet easterly of the centerline of Andrews Road, which curves slightly to the left, and along the U. S. Naval Radio Station boundary, to monument MR-3E, which is an 8 inch square concrete post, the direct bearing and distance being N. 07°55'20" W., 676.8 feet;

N. 88°49'50" E., 14.3 feet, along the northern boundary of the U. S. Naval Radio Station, to monument MR-4, which is a 10 inch square concrete post;

N. 09°28'00" W., 655.7 feet, parallel to, and 40.0 feet from, the centerline of Andrews Road, through monument Number 4-A, which is an 8 inch square concrete post, to monument No. 5, which is an 8 inch square concrete post, the distances being 281.5 feet and 374.2 feet, successively, from beginning of course;

N. 88°02'00" W., 70.0 feet to monument No. 6, which is an 8 inch square concrete post, located 75.0 feet easterly of the centerline of Bolivar Highway.

S. 32°31'30" W., 1,870.9 feet, parallel to, and 75.0 feet easterly of the centerline of Bolivar Highway, through monuments 6-A, 6-B, and 6-C, which are 8 inch square concrete posts, to monument No. 7, which is an 8 inch square concrete post, the distances being 603.4 feet, 304.1 feet, 253.7 feet and 704.7 feet, successively, from beginning of course;

On a curve to the left, parallel to, and 75.0 feet from, the centerline of Bolivar Highway, through monuments 7-A, 7-B and 7-C (monument 7-A is a ½ inch brass plug in curb, 7-B and 7-C are 8 inch square concrete posts) to monument No. 8, which is an 8 inch square concrete post, the chord distances and bearings between monuments being 241.9 feet S. 29°12'40" W., 521.0 feet S. 18°57'00" W., 71.9 feet S. 11°01'30" W., and 177.2 feet S. 07°57'00" W., successively, from beginning of curve;

S. 76°04'00" W., 191.1 feet to monument No. 9, which is an 8 inch square concrete post, located 50.0 feet easterly of the Panama Railroad (Quebrancha cut-off) right-of-way (centerline of track span towers)

S. 12°21'10" E., 2,027.0 feet, parallel to, and 50.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, through monuments Nos. 9-A and 9-B, which are 8 inch square concrete posts, to monument No. 10, which is an 8 inch square concrete post, the distances being 1,000.7 feet, 500.3 feet and 526.0 feet, successively, from beginning of course;

Along a curve to the left, parallel to, and 50.0 feet from the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way to monument No. 11, which is an 8 inch square concrete post (the chord distance and bearing between monuments 10 and 11 being 770.4 feet S. 17°02'20" E.)

N. 64°37'20" E., 57.7 feet, to monument No. 19—A, which is an 8 inch square concrete post;

S. 26°31'20" E., 100.9 feet, to monument No. 20-A, which is an 8 inch square concrete post;

S. 62°00'30" W., 57.7 feet, to monument No. 21-A, which is an 8 inch square concrete post, located 50.0 feet easterly of the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way;

Along a curve to the left, parallel to, and 50.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, through monuments Nos. 21-B and 21-C, which are 8 inch square concrete posts, to monument No. 22-K, which is an 8 inch square concrete post (the chord distance and bearings between monuments are 83.3 feet, S. 29°08'30" E., 75.8 feet S. 30°48'50" E., and 528.7 feet S. 38°24'20" E., successively, from beginning of curve);

N. 46°26'40" E., 75.0 feet, to monument No. 23-A, which is an 8 inch square concrete post, located 125.0 feet easterly of the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way;

On a curve to the left, parallel to, and 125.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, to monument No. 24, which is an 8 inch square concrete post (the chord distance and bearing between monuments 23-A and 24 is 477.2 feet S. 51°14'00" E.);

S. 32°34'00" W., 25.0 feet, to monument No. 25, which is an 8 inch square concrete post, located 100.0 feet easterly of the centerline of the Panama Railroad (Quebranche cut-off) right-of-way;

Along a curve to the left, parallel to, and 100.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, through monuments 25-A, 25-B, 25-C, 25-D, 25-E, and 25-F, all of which are 8 inch square concrete posts, to monument No. 26, which is an 8 inch square concrete post, the chord distances and bearings between monuments are 241.3 feet S. 60°27'40" E., 893.2 feet S. 74°58'20" E., 615.5 feet N. 85°43'40" E., 551.1 feet N. 70°55'20" E., 478.0 feet N. 57°58'00" E., 281.7 feet N. 48°46'20" E., 208.0 feet N. 46°01'20" E., successively, from beginning of curve;

N. 45°39'30" E., 443.2 feet, parallel to, and 100.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, to monument No. 27, which is an 8 inch square concrete post;

Along a curve to the right, parallel to, and 100.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, through monuments 27-A, 27-B, and 27-C, all of which are 8 inch square concrete posts, to monument No. 28, which is an 8 inch square concrete post (the chord distances and bearings between monuments are 140.8 feet N. 45°51'40" E., 504.4 feet N. 49°30'30" E., 422.3 feet N. 56°56'40" E., 116.6 feet N. 59°38'00" E., successively, from beginning of curve);

N. 59°49'00" E., 1047.8 feet, parallel to, and 100.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, through monuments 28-A and 28-B, both of which are 8 inch square concrete posts, to monument No. 29, which is an 8 inch square concrete post, the distances being 209.6 feet, 749.8 feet and 88.4 feet, successively, from beginning of course;

Along a curve to the right, parallel to, and 100.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, through monuments 29-A, 29-B, 29-C and 29-D, all of which are 8 inch square concrete posts, to monument No. 30, which is an 8 inch square concrete post (the chord distances and bearings between monuments are 666.2 feet N. 63°15'20" E., 105.3 feet N. 71°31'40" E., 528.8 feet N. 80°33'40" E., 594.8 feet S. 85°37'20" E., 80.3 feet S. 81°38'30" E., successively, from beginning of curve);

S. 81°31'40" E., 1981.1 feet, parallel to, and 100.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, through monuments 30-A, 30-B, 30-C and 30-D, all of which are 8 inch square concrete posts, to monument No. 31, which is an iron rod in concrete, the distances being 602.8 feet, 516.2 feet, 413.2 feet, 352.3 feet and 96.6 feet, successively, from beginning of course;

On a curve to the left, parallel to, and 100.0 feet from, the centerline of the Panama Railroad (Quebrancha cut-off) right-of-way, to monument No. 32, which is an 8 inch square concrete post (the chord length and bearing between monuments 31 and 32 is 1,524.1 feet S. 85°19'20" E.);

S. 88°20'30" E., 951.2 feet parallel to, and 100.0 feet from, the center line of the Panama Railroad (main line) right-of-way, to monument No. 33, which is an 8 inch square concrete post, located 100.0 feet northerly from the centerline of the Panama Railroad (main line) right-of-way, and 120 feet more or less, easterly of Track Span Tower 10-20, the geodetic position of which monument referred to the Canal Zone triangulation system is 9°17' N. plus 1,019.9 feet and longitude 79°52' W., plus 4,627.9 feet from Greenwich;

S. 88°20'30" E., 29 feet more or less, to an unmarked point on the continuous 87 foot-contour of the west shore of the Quebrada Ancha Arm of Gatun Lake;

In a general northerly direction along the 87 foot contour along the shore line of Gatun Lake, as it meanders through an unmarked point "L" which is the southwest corner of the Gatun Lake Military Reservation, to an unmarked point, which is S. 89°57'00" E., 7 feet, more or less, from the above mentioned monument No. 13; (The boundary from unmarked point "L" to last mentioned unmarked point is coincident with the Gatun Lake Military Reservation boundary);

N. 89°57'00" W., 7 feet more or less, to monument No. 13, the point of beginning.

Parcel Number II, as described, contains an area of 1,210 acres, more or less.

PARCEL NO. III

Beginning at monument No. 36, which is an 8 inch square concrete post, located 6 feet more or less, from the water's edge of the East bank of the Panama Canal, the geographic position of which monument, referred to the Canal Zone triangulation system, is in latitude 9°17' N., plus 1,501.2 feet and in longitude 79°55' W., plus 2,251.6 feet from Greenwich.

Thence from said initial point by metes and bounds:

S. 75°17'30" E., 201.1 feet through monument No. 36-A, which is a 2 inch galvanized iron pipe, to monument No. 36-B, which is an iron rod in concrete, the distances being 20.0 feet and 181.1 feet, successively, from beginning of course;

S. 75°27'30" E., 604.2 feet, to monument No. 37, which is an 8 inch square concrete post, located 50.0 feet westerly of the centerline of Jadwin Road;

N. 07°39'00" W., 831.3 feet parallel to, and 50.0 feet westerly of the centerline of Jadwin Road, to monument No. 38, which is an 8 inch square concrete post;

N. 80°26'10" E., 365.3 feet, to monument No. 32-A, which is an iron rod in concrete;

N. 80°24'10" E., 195.6 feet, to monument No. 39, which is a 2 inch galvanized iron pipe, located 75.0 feet westerly of the Panama Railroad (main line) right-of-way;

Along a curve to the right, parallel to, and 75.0 feet from, the centerline of the Panama Railroad right-of-way, to monument No. 40, which is a 2 inch galvanized iron pipe, the chord distance and bearing between monuments 39 and 40 is 434.0 feet N. 27°04'50" E.,

N. 07°48'00" W., 1730.3 feet, through monuments 40-A and 40-B, which are 2 inch galvanized iron pipes, to monument No. 34, which is an 8 inch square concrete post, the distances being 688.4 feet, 836.7 feet and 205.2 feet, successively, from beginning of course;

N. 85°59'20" W., 793.5 feet, through monuments 34-A, 34-B, and 2, all of which are 2 inch galvanized iron pipes, to monument No. 35, which is a 2 inch galvanized iron pipe, located 13 feet, more or less, from the water's edge of the East bank of the Panama Canal, the geographic position of which monument is in latitude 9°17' N., plus 4372.5 feet, and in longitude 79°55' W., plus 1057.8 feet from Greenwich;

N. 85°59'20" W., 13 feet, more or less, to an unmarked point on the water's edge of the East Bank of the Panama Canal;

Southerly along the water's edge of the East Bank of the Panama Canal, to an unmarked point, which is N. 75°17'30" W.,

6 feet, more or less, from the above mentioned monument No. 36;

S. 75°17'30" E., 6 feet more or less, to monument No. 36, the point of beginning.

Parcel Number III, as described, contains an area of 64 acres, more or less.

PARCEL No. IV

Beginning at monument "A" which is an 8-inch square concrete post and which is located 30 feet southerly of the centerline of the Panama Railroad right-of-way (centerline of old track span tower bases) and 160.0 feet westerly of old track span tower base 8–4, the geographic position of which monument referred to the Canal Zone triangulation system is in latitude 9°15' N., plus 5,315.7 feet and in longitude 79°54' W., plus 2,731.5 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 85°20'15" E., 1,141.3 feet parallel to and 30.0 feet from the centerline of the Panama Railroad right-of-way to an unmarked point called A–1 opposite station 201+41.6 (point of spiral of the Panama Railroad).

On a curve to the left, parallel to, and 30.0 feet from the centerline of the Panama Railroad right-of-way to Monument "B" which is an 8-inch square concrete post opposite old track span tower 8–11 (the chord distance between A–1 and Monument "B" being 1,123.6 feet N. 78°00'10" E.);

S. 20°44'45" E., 18.0 feet to Monument "C" which is an 1½ inch galvanized iron pipe, located 12 feet more or less from the water's edge of Gatun Lake;

S. 20°44'45" E., 3,700 feet more or less to an unmarked point on the northerly side of the Monte Lirio Small Boat channel in Gatun Lake;

Northwesterly, along the northerly side of the Monte Lirio channel, 3,400 feet more or less to an unmarked point on said channel's side;

N. 04°39'45" E., 2,400 feet more or less to Monument "D" which is an 1½-inch pipe located 22 feet more or less from the water's edge of Gatun Lake;

N. 04°39'45" W., 70.0 feet to Monument "A" the point of beginning.

Parcel Number IV contains a land area of 11 acres, more or less.

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The boundary of the entire reservation, including Parcels I, II, III and IV was surveyed by the Section of Surveys, Office Engineering Division, The Panama Canal, in March 1946, in June, July, September, and October 1947, October 1948, and July 1949.

The entire reservation, consisting of Parcels I, II, III and IV, contains a land area of 1,316 acres, more or less, and is as shown on Panama Canal drawing No. 6115–59, entitled "Boundary of Fort William D. Davis Military Reservation," scale 1. 6,000, dated June 8, 1949, on file in the Office of the Governor, The Panama Canal, Balboa Heights, Canal Zone, and in the Office of the Engineer, U. S. Army Caribbean, Quarry Heights, Canal Zone.

SEC. 2. *Conditions and limitations.* The reservation established by section 1 of this order shall be subject to the following conditions and limitations:

(a) The areas comprising this reservation shall continue to be subject to the civil jurisdiction of the Canal Zone Government in conformity with the provisions of the Canal Zone Code as amended and supplemented.

(b) Personnel and equipment of The Panama Canal shall be permitted free access to the reservation to carry out necessary Panama Canal operations in the area or vicinity in connection with drainage, sanitation, surveys, etc., to protect, maintain, repair, or modify Panama Canal facilities and installations within or adjacent to the reservation; and to install any additional services or utilities that the Governor of The Panama Canal may consider necessary to install through or upon the area or vicinity.

(c) Those portions of the Jadwin and the Keyes roads which lie within Parcel 3 of the reservation established by this order shall remain open to public use free of restrictions other than those imposed generally upon the public use of highways and roads in the Canal Zone, and shall be maintained and repaired at the expense of The Panama Canal.

SEC. 3. *Executive order superseded.* This order supersedes Executive Order No. 7806 of February 5, 1938, which superseded all previous Executive orders relating to the Fort William D. Davis Military Reservation. Any lands included in the military reservation set apart by said Executive order and not included within the area included in this order are hereby released from the said reservation.

GORDON GRAY,
Secretary of the Army.

[F. R. Doc. 49-8129; Filed, Oct. 10, 1949; 8:47 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter VIII—United States Philippine War Damage Commission

PART 801—PAYMENTS AND REINVESTMENT

AMOUNT OF PAYMENT OF PRIVATE PROPERTY CLAIMS

Section 801.2 is revised to read as follows:

§ 801.2 *Amount of payment of private property claims.* The Commission may make payment as soon as practicable of so much of any approved claim as does not exceed $500 (1,000 Philippine pesos) The Commission reserves the right to pay the amount in installments. If the aggregate amount which would be payable to any one claimant exceed $500, such aggregate amount approved in favor of such claimant must be reduced by 25 per centum of the excess over $500. The time for filing claims has expired and the Commission will determine the amount of money available for further payment of claims in excess of $500, and such funds shall be applied pro rata for the payment of the unpaid balances of the amounts authorized to be paid.

PART 803—RULES AND PROCEDURE

FINAL DETERMINATIONS

Section 803.34 is revised to read as follows:

§ 803.34 *Final determinations.* Final determinations will be made as follows:

(a) Claims not exceeding $2,500. The General Counsel has authority to make final determinations in cases wherein the amount claimed does not exceed $2,500.

(b) The Assistant General Counsel for Appeals has authority to make final determinations in cases wherein the amount claimed does not exceed $1,000.

(c) Claims exceeding $2,500. Cases exceeding $2,500 must be submitted to the Commission for determination.

(Sec. 101 (c), 60 Stat. 128; 50 U. S. C. App. 1751 (c))

Approved: October 3, 1949.

JOHN B. AHERN,
Director, Washington Office.

[F. R. Doc. 49-8123; Filed, Oct. 10, 1949; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

UNITED STATES STANDARDS FOR GRAPEFRUIT (CALIFORNIA AND ARIZONA)

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under the authority contained in the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949) that the United States Department of Agriculture is considering the issuance of United States Standards for Grapefruit (California and Arizona) to supersede the United States Standards for Grapefruit (California and Arizona) (7 CFR 51.241), currently in effect. The standards are proposed to become effective during November 1949.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Assistant Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 30th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.241 *Grapefruit (California and Arizona)*—(a) *Grades*—(1) *U. S. Fancy.* U. S. Fancy shall consist of grapefruit of

similar varietal characteristics which are mature, well colored, firm, well formed, of smooth texture for the variety, and fairly thin skinned; free from decay, broken skins which are not healed, hard or dry skins, bruises (except those incident to proper handling and packing) dryness or mushy condition, and from injury caused by sprayburn, fumigation, exanthema, scars, green spots, scale, sunburn, sprouting, dirt or other foreign materials, disease, insects or mechanical or other means. Stems shall be properly clipped. (See Tolerances.)

(2) *U. S. No. 1.* U. S. No. 1 shall consist of grapefruit of similar varietal characteristics which are mature, fairly well colored, firm, well formed, of fairly smooth texture for the variety, and not excessively thick skinned; free from decay, broken skins which are not healed, hard or dry skins, bruises (except those incident to proper handling and packing), and from damage caused by dryness or mushy condition, sprayburn, fumigation, exanthema, scars, green spots, scale, sunburn, sprouting, dirt or other foreign materials, disease, insects, or mechanical or other means. Stems shall be properly clipped. (See Tolerances.)

(3) *U. S. No. 2.* U. S. No. 2 shall consist of grapefruit of similar varietal characteristics which are mature, slightly colored, fairly firm, fairly well formed, and not decidedly rough; free from decay, broken skins which are not healed, hard or dry skins, and from serious damage caused by bruises, dryness or mushy condition, sprayburn, fumigation, exanthema, scars, green spots, scale, sunburn, sprouting, dirt or other foreign materials, disease, insects, or mechanical or other means. Stems shall be properly clipped. (See Tolerances.)

(4) *U. S. Combination Grade.* Any lot of grapefruit may be designated "U. S. Combination" when not less than 40 percent, by count, of the fruits in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. (See Tolerances.)

(5) *U S. No. 3.* U. S. No. 3 shall consist of grapefruit of similar varietal characteristics which are mature, slightly colored, which may be slightly spongy, misshapen, and rough but not seriously lumpy; which are free from decay, broken skins which are not healed, hard or dry skins, and from serious damage caused by bruises, dryness or mushy condition, and from very serious damage caused by sprayburn, fumigation, exanthema, scars, green spots, scale, sunburn, sprouting, dirt or other foreign materials, disease, insects or mechanical or other means. Stems shall be properly clipped. (See Tolerances.)

(b) *Unclassified* shall consist of grapefruit which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) *U. S. Fancy, U. S. No. 1, U. S. No. 2 and U S. No. 3 grades.* Not more than 10 percent, by count, of the fruit in any lot may fail to meet the requirements of the specified grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. In addition, not more than 10 percent, by count, of the fruit in any lot may not meet the requirements relating to color.

(2) *U. S. Combination grade.* Not more than 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. This 3 percent tolerance may be used to reduce the percentage of U. S. No. 1 grade required in the combination, provided the affected fruits meet the requirements of U. S. No. 1 grade in other respects. In addition, not more than 10 percent, by count, of the fruit in any lot may not meet the requirements of the U. S. No. 2 grade for color. No part of any tolerance, other than that for decay, shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 specified: *Provided,* That the entire lot averages within the percentage specified.

(d) *Application of tolerances to individual packages.* The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

(1) For packages which contain more than 25 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 25 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(2) For packages which contain 25 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That not more than one grapefruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and, in addition, enroute or at destination not more than 10 percent of the packages may have more than one decayed fruit.

(e) *Standard pack.* (1) Grapefruit shall be fairly uniform in size, and, when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(2) All containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(3) When packed in standard nailed boxes, each container shall show a minimum bulge of 2 inches, except that boxes packed with grapefruit of size 80 or smaller need only show a bulge of 1½ inches.

(4) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruit in any container may be outside the range given below for each pack, but not more than one-half this amount, or 5 percent, shall be allowed for fruit in any container which is more than three-sixteenths inch smaller than the minimum diameter shown for each pack:

DIAMETER IN INCHES

Pack	Minimum	Maximum
150	3	3 7/16
126	3 3/16	3 9/16
100	3 7/16	3 13/16
80	3 11/16	4 3/16
70	3 13/16	4 5/16
64	3 15/16	4 7/16
54	4 3/16	4 11/16
48	4 5/16	4 13/16

(5) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may not meet the requirements of standard pack.

(f) *Standards for export.* (1) Not more than a total of 10 percent, by count, of the grapefruit in any container may be soft, affected by decay, damaged by skin breakdown, have broken skins which are not healed, or be seriously damaged by dryness or mushy condition, except that—

(i) Not more than one-half of 1 percent shall be allowed for grapefruit affected by decay.

(ii) Not more than 3 percent shall have broken skins which are not healed.

(iii) Not more than 5 percent shall be soft.

(iv) Not more than 5 percent shall be seriously damaged by dryness or mushy condition.

(v) Not more than 5 percent shall be damaged by skin breakdown.

(2) Any lot of grapefruit shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided,* That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the grapefruit in any container has any of the defects enumerated in the standards for export.

(g) *Definitions.* (1) "Similar varietal characteristics" means that the fruits in any container are similar in color and type.

(2) "Well colored" means that the fruit is yellow in color, with not more than a trace of green.

(3) "Firm" means that the fruit is not soft or noticeably wilted or flabby. The skin may feel slightly springy or spongy.

(4) "Well formed" means that the fruit shows the normal shape characteristic of the variety.

(5) "Smooth" means that the skin is of fairly fine grain, the "pebbling" is not pronounced, and any furrows radiating from the stem end are short and shallow.

(6) "Fairly thin skinned" means that the skin thickness does not average more than three-eighths of an inch, on a central cross section, in sizes 100 or smaller, or more than seven-sixteenths of an inch in sizes larger than 100.

(7) "Injury" means any defect which more than slightly affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(i) Sprayburn which changes the color to such an extent that the appearance of the fruit is noticeably injured, or which causes scarring that aggregates more than one-half inch in diameter.

(ii) Fumigation injury which noticeably detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid or depressed scarring which aggregates more than one-half of an inch in diameter.

(iii) Exanthema which noticeably detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid scarring which aggregates more than one-half of an inch in diameter.

(iv) Scars which are very rough or very deep; or scars which are very dark when more than one-fourth of an inch in diameter.

(v) Scars which are dark, rough, or deep and aggregate more than one-half of an inch in diameter.

(vi) Scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than 5 percent of the fruit surface.

(vii) Scars which are light colored, fairly smooth, with no depth and aggregate more than 10 percent of the fruit surface.

(viii) Green spots which are depressed or soft, or more than four in number, or which aggregate more than one inch in diameter.

(ix) Scale, when more than 5 medium to large California red or purple scale are adjacent to the "button" at the stem end, or scattered over the fruit, or any scale which affects the appearance of the fruit to a greater extent.

(x) Sunburn which appreciably changes the normal color or shape of the fruit, or affects more than 10 percent of the fruit surface.

(8) "Fairly well colored" means that yellow color predominates on the fruit.

(9) "Fairly smooth" means that the skin does not feel noticeably rough or coarse. The size of the fruit should be considered in judging texture, as large fruit is not usually as smooth as the small. It is common for the fruit to show larger and coarser "pebbling" on the stem end portion than on the blossom end. Slight furrows or grooves which may be present on the stem end portion of the fruit shall not be considered as slightly rough unless they are of sufficient depth, length, and number to materially affect the appearance and smoothness of the grapefruit.

(10) "Excessively thick skinned" means that the skin thickness averages more than seven-sixteenths of an inch, on a central cross section, in sizes 100 or smaller, or more than one-half of an inch in sizes larger than 100.

(11) "Damage" means any injury which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Dryness or mushy condition, when affecting all segments more than one-fourth of an inch at the stem end, or the equivalent of this amount by volume, when occurring in other portions of the fruit.

(ii) Sprayburn which changes the color to such an extent that the appearance of the fruit is materially injured, or which causes scarring that aggregates more than three-fourths of an inch in diameter.

(iii) Fumigation injury which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 25 percent of the fruit surface, or as solid scarring or depressions which aggregate more than three-fourths of an inch in diameter.

(iv) Exanthema which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 25 percent of the fruit surface, or as solid scarring, that is not cracked, which aggregates more than three-fourths of an inch in diameter.

(v) Scars which are very deep; or scars which are very rough or very dark and aggregate more than one-half of an inch in diameter.

(vi) Scars which are dark, rough or deep and aggregate more than three-fourths of an inch in diameter.

(vii) Scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than 10 percent of the fruit surface.

(viii) Scars which are light colored, fairly smooth, with no depth and aggregate more than 15 percent of the fruit surface.

(ix) Green spots which are depressed or soft, or more than seven in number, or which aggregate more than 5 percent of the fruit surface.

(x) Scale, when more than 10 medium to large California red or purple scale are adjacent to the "button" at the stem end, or scattered over the fruit, or any scale which affects the appearance of the fruit to a greater extent.

(xi) Sunburn which causes appreciable flattening of the fruit, drying or darkening of the skin, or affects more than 25 percent of the fruit surface.

(12) "Slightly colored" means that sufficient yellow color is distributed over the fruit surface and, when blended with the green color present, is equivalent to 25 percent of full yellow color characteristic of the variety.

(13) "Fairly firm" means that the fruit may be slightly soft but is not decidedly flabby. The skin may be thick and slightly puffy.

(14) "Fairly well formed" means that the fruit is not materially flattened, materially pointed, extremely elongated, or otherwise decidedly deformed.

(15) "Decidedly rough" means that the skin is materially rough, materially lumpy, decidedly folded, or decidedly ridged.

(16) "Serious damage" means any injury which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Dryness or mushy condition, when affecting all segments more than one-half of an inch at the stem end, or the equivalent of this amount by volume, when occurring in other portions of the fruit.

(ii) Sprayburn which changes the color to such an extent that the appearance of the fruit is seriously injured, or which causes scarring that aggregates more than 10 percent of the fruit surface.

(iii) Fumigation injury which occurs as small, thinly scattered spots over more than one-half of the fruit surface, or solid scarring or depressions which aggregate more than 5 percent of the fruit surface.

(iv) Exanthema which occurs as small, thinly scattered spots over more than one-half of the fruit surface, solid scarring that is not cracked, which aggregates more than 5 percent of the fruit surface.

(v) Scars which are very deep; or scars which are very rough or very dark and aggregate more than one inch in diameter.

(vi) Scars which are dark, rough or deep and aggregate more than 5 percent of the fruit surface.

(vii) Scars which are fairly light in color, slightly rough or of slight depth and aggregate more than 15 percent of the fruit surface.

(viii) Scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface.

(ix) Green spots which are soft or aggregate more than 2 inches in diameter.

(x) Scale, when California red or purple scale is concentrated as a ring or blotch, or which is more than thinly scattered over the fruit surface, or any scale which affects the appearance of the fruit to a greater extent.

(xi) Sunburn which causes decided flattening of the fruit, drying or dark discoloration of the skin, or which affects more than one-third of the fruit surface.

(17) "Slightly spongy" means that the fruit is puffy or slightly wilted but not decidedly flabby.

(18) "Misshapen" means that the fruit is materially flattened, materially pointed, extremely elongated or otherwise decidedly deformed.

(19) "Very serious damage" means any injury which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Sprayburn which seriously affects more than 25 percent of the fruit surface.

(ii) Fumigation injury which causes deep, rough, or dark scarring which aggregates more than 25 percent of the fruit surface.

(iii) Exanthema which aggregates more than 10 percent of the fruit surface, or causes serious cracks.

(iv) Scars which are very dark, very rough, or very deep and aggregate more than 10 percent of the fruit surface.

(v) Scars which are dark, rough or deep and aggregate more than 25 percent of the fruit surface.

(vi) Green spots which are badly sunken or soft.

(vii) Scale so numerous or large that the appearance of the fruit is very seriously affected.

(viii) Sunburn which seriously affects more than one-third of the fruit surface.

Done at Washington, D. C., this 5th day of October 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-8130; Filed, Oct. 10, 1949; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 49-38]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405 and 4491, as amended, 46 U. S. C. 375, 489; and section 101 of Reorganization Plan No. 3 of 1946, 11 F R. 7875, 60 Stat. 1097, 46 U. S. C. 1, as well as the additional authorities cited with specific items below, the following approvals of equipment are terminated because the items of equipment covered are no longer being manufactured or the equipment is now manufactured under new approved numbers:

SIGNAL PISTOLS

NOTE: Approval withdrawn because item is no longer manufactured.

Termination of Approval No. 160.028/4/0, No. 3 signal pistol, Dwg. No. M-101, dated March 1943, manufactured by Columbia Appliance Corp., 8 Forty-third Road, Long Island City 1, N. Y. (Approved FEDERAL REGISTER July 31, 1947.)

(R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 1333, 50 U. S. C. 1275; 46 CFR 33.3-1, 33.3-2, 59.11, 76.14)

LIQUEFIED PETROLEUM GAS VALVES, FITTINGS AND GAUGES

NOTE: Approvals withdrawn because the approvals are transferred from subpart No. 162.018 to a new subpart No. 162.019.

Termination of Approval No. 162.018/14/0, Rego slip tube liquid level gauge, liquefied petroleum gas service, marked "Rego No. 2148R" bronze body, Dwg. No. 2148R, revised May 22, 1941, Alt. E, and catalog L500 Section L J, manufactured by The Bastian-Blessing Co., 4201 West Petersen Avenue, Chicago, Ill. (Published in FEDERAL REGISTER July 31, 1947.)

Termination of Approval No. 162.018/17/0, Model No. 62B, liquefied petroleum gas tank gauge, slip tube type, Dwg. No. L107, sheets 1 to 23, inclusive, manufactured by Metal Goods Manufacturing Co., 106-110 South Park Avenue, Bartlesville, Okla. (Published in FEDERAL REGISTER Oct. 2, 1948.)

Termination of Approval No. 162.018/23/0, Model No. 62D, liquefied petroleum gas tank gauge, slip tube type, stainless steel parts; Dwg. No. L106, sheets 1 to 15, inclusive, dated January 21, 1948, manufactured by Metal Goods Manufacturing Co., 106-110 South Park Avenue, Bartlesville, Okla. (Published in FEDERAL REGISTER Oct. 2, 1948.)

(R. S. 4417a, and sec. 5 (e) 55 Stat. 244, as amended; 46 U. S. C. 391a, 50 U. S. C. 1275; 46 CFR Part 38)

CONDITIONS OF TERMINATION OF APPROVALS

The termination of approvals of equipment made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment manufactured before the effective date of termination of approval may be used on merchant vessels so long as it is in good and serviceable condition.

Dated: October 5, 1949.

[SEAL] MERLIN O'NEILL,
Rear Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 49-8136; Filed, Oct. 10, 1949; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13841]

CHRISTIAN HAUSCHILD

In re: Stock and checks owned by Christian Hauschild. F-28-28805-C-1/2, D-1/2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christian Hauschild, whose last known address is Himmelpforten, Kreis Stade, Prov. Hannover, 20a Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. Forty (40) shares of no par value common capital stock of Red Wing Sewer Pipe Corporation, Red Wing, Minnesota, a corporation organized under the laws of the State of Minnesota, evidenced by certificates registered in the name of Christian Hauschild, and presently in the custody of the Goodhue County National Bank of Red Wing, Red Wing, Minnesota, said certificates numbered and in the amounts appearing opposite each certificate number as follows:

Certificate No..	*Number of shares*
74	10
75	12
76	12
77	6

together with all declared and unpaid dividends thereon,

b. Twelve and one half (12½) shares of $50 par value common capital stock of the Goodhue County National Bank of Red Wing, Red Wing, Minnesota, evidenced by a certificate numbered 70, registered in the name of Christian Hauschild, and presently in the custody of the Goodhue County National Bank of Red Wing, together with all declared and unpaid dividends thereon,

c. That certain debt or other obligation evidenced by a check for $30 representing dividends on capital stock of Red Wing Sewer Pipe Corporation, as described in subparagraph 2a above, said check payable to Christian Hauschild, numbered 3076 and dated November 20, 1947, and presently in the custody of the Goodhue County National Bank of Red Wing, Red Wing, Minnesota, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, and all rights in, to and under, including particularly the right to possession and presentation for collection and payment of the aforesaid check,

d. Those certain debts or other obligation, evidenced by checks representing dividends on capital stock of the Goodhue County National Bank of Red Wing,

as described in subparagraph 2b above, said checks payable to Christian Hauschild, dated and in the amounts set forth below:

Date:	Amount
Jan. 2, 1946	$37.50
Jan. 2, 1947	37.50
Jan. 2, 1948	37.50

which checks are presently in the custody of the aforesaid Goodhue County National Bank of Red Wing, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all accruals thereto, and all rights in, to and under, including particularly the right to possession and presentation for collection and payment of the aforesaid checks, and

e. That certain debt or other obligation, evidenced by a cashier's check for $13.75 drawn on the Goodhue County National Bank of Red Wing, Red Wing, Minnesota, payable to William F Walter, Attorney for Christian Hauschild, dated February 14, 1945, and presently in the custody of the aforesaid Goodhue County National Bank of Red Wing, and any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, together with any and all rights in, to and under, including particularly the right to possession and presentation for collection and payment of the aforesaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Christian Hauschild, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 49-8139; Filed, Oct. 10, 1949; 8:49 a. m.]

[Vesting Order 13862]

CLARA SINGER

In re: Estate of Clara Singer, also known as Claire Gulbert, deceased. File No. F-28-30422; E. T. sec. 16864.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Olga Jiricek, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Clara Singer, also known as Claire Gulbert, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by Fred J. Moscone, as Administrator, c. t. a. d. b. n., acting under the judicial supervision of the Probate Court, Suffolk County, Massachusetts;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8114; Filed, Oct. 7, 1949; 8:50 a. m.]

[Return Order 440]

MARGUERITE LEBLANC ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Marguerite Leblanc, 35 rue Spontini, Paris (16) France; Marie-Louise Biguet, 10, rue de Rome, Paris (8eme) France; Claude Leblanc, 4, rue Thiers, Paris (16eme) France; Claim No. 39723; August 4, 1949 (14 F. R. 4353); $3,865.46 in the Treasury of the United States, 9/10 thereof to Marie-Louise Biguet and 1/10 thereof to Marguerite Leblanc. On August 26, 1949, a suit was filed by Rose Lois Brisbane, also known as Rosalie B. Menchen, in the Municipal Court for the District of Columbia against the Estate of Maurice Leblanc et al., in which the Attorney General was served with an attachment in accordance with section 32 (f) of the Trading with the Enemy Act, as amended (Civil Action No. A28038). Pursuant to a stipulation entered into between this Office and plaintiff's attorney, $1,500.00 of the above sum is retained by the Attorney General pending the outcome of the litigation or the withdrawal of the attachment.

Property to the extent owned by the Maurice Leblanc estate immediately prior to the vesting thereof described in Vesting Order No. 4030 (9 F. R. 13779, Nov. 17, 1944), relating to the literary works entitled "Arsene Lupin contre Herlock Sholmes or The Blonde Lady" "Arsene Lupin, Gentleman Burglar or Arsene Lupin, Gentleman Cambrioleur", "The Hollow Needle" "813" "The Crystal Stopper" "Confessions of Arsene Lupin" "The Golden Triangle or Le Triangle d'or, "Teeth of the Tiger or Les Dents du Tigre" "Eight Strokes of the Clock or Les Huit coups de l'Horloge" "Memoirs of Arsene Lupin or La Comtesse de Cagliostro" "Arsene Lupin, Super Sleuth" "Arsene Lupin Intervenes" "The Melamare Mystery or La Demoure Mysterieuse" "La Barre-Y-Va" "The Woman With Two Smiles" "La Calliostro se Venge" "The Return of Arsene Lupin" "La Frontiere" and "Le Chaplet Rouge" (listed in Exhibit A of said vesting order), to Claude Leblanc subject to a right of usufruct in Marguerite Leblanc for her lifetime, to the extent of 9/10 of the royalties, and a right of usufruct in Marie-Louise Biguet for her lifetime to the extent of 1/10 of the royalties.

Property to the extent owned by the Maurice Leblanc estate immediately prior to the vesting thereof described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13763, November 17, 1944), relating to the literary work entitled "Arsene Lupin, Gentleman Cambrioleur" (listed in Exhibit A of said vesting order), to Claude Leblanc subject to a right of usufruct in Marguerite Leblanc for her lifetime, to the extent of 9/10 of the royalties, and a right of usufruct in Marie-Louise Biguet for her lifetime to the extent of 9/10 of the royalties.

Property to the extent owned by the Maurice Leblanc estate immediately prior to the vesting thereof described in Vesting Order No. 3552 (9 F. R. 6464, June 13, 1944), relating to the literary works entitled "Arsene Lupin, Gentleman Cambrioleur" "Dan Pas Sur La Neige" "La Carafe D'Eau" "Arsene Lupin In Prison" "The Red Silk Scarf" and "The Lady with the Hatchet" (listed in Exhibit A of said vesting order), to Claude Leblanc subject to a right of usufruct in Marguerite Leblanc for her lifetime, to the extent of 9/10 of the royalties, and a right of usufruct in Marie-Louise Biguet for her lifetime to the extent of 9/10 of the royalties.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 3, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8117; Filed, Oct. 7, 1949; 8:50 a. m.]

[Return Order 443]

WILLIAM GUSTAVE SMYTH

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

William Gustave Smyth, 40, Faubourg Possonniere, Paris Xe, France; Claim No. 26796; August 2, 1949 (14 F. R. 4814); $7,705.14 in the Treasury of the United States. Property to the extent owned by Editions Smyth immediately prior to the vesting thereof described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944) relating to the musical compositions "The Can-Can Conga (Rosita La Bonita)" and "Speak to Me of Love (Parlez-Moi D'Amour)" (listed in Exhibit A of said vesting order).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 4, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-8143; Filed, Oct. 10, 1949; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

UTAH

COAL RECLASSIFICATION

Correction

In Federal Register Document 49-7916, appearing on page 6024 of the issue for Saturday, October 1, 1949, the following correction should be made:

In Column 3, change line 37 to read: "sec. 11, lots 1 and 2, SW¼NE¼, W½, NW¼SE¼;"

JULIAN D. SEARS,
Acting Director

OCTOBER 5, 1949.

[F. R. Doc. 49-8121; Filed, Oct. 10, 1949; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3977]

MONARCH AIR LINES, INC., AND ARIZONA AIRWAYS, INC., MONARCH - ARIZONA MERGER CASE

NOTICE OF HEARING

In the matter of the joint application of Monarch Air Lines, Inc., and Arizona Airways, Inc., for approval under sections 408 and 412 of the Civil Aeronautics Act of 1938, as amended, of the acquisition by Monarch Air Lines, Inc., of all of the issued and outstanding stock of Arizona Airways, Inc., and the merger or consolidation of the two corporations.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408, 412, and 1001, that a public hearing in the above-entitled proceeding is assigned to be held on October 17, 1949, at 10:00 a. m., e. s. t., in Room 2015, Temporary Building No. 5, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Without limiting the scope of the issues presented by the application, particular attention will be directed to the following matters and questions:

1. Whether the proposed acquisition and merger will be consistent with the public interest within the meaning of sections 408 and 412 of the Civil Aeronautics Act of 1938, as amended;

2. Whether the transfer of Arizona's certificate to Monarch incident to the merger of the two corporations or to a consolidated corporation is consistent with the public interest; and if so, whether the transferee is fit, willing, and able to perform the transportation authorized by the certificate.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before October 17, 1949, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., October 5, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-8133; Filed, Oct. 10, 1949; 8:48 a. m.]

[Docket No. 4104]

AEROLINEAS ARGENTINAS FAMA, FOREIGN AIR CARRIER PERMIT

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Aerolineas Argentinas FAMA pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for a foreign air carrier permit authorizing the foreign air transportation of persons, property and mail between Buenos Aires, Argentina and New York, New York, via the intermediate points Sao Paulo, Brazil (or Rio de Janeiro, Brazil) Belem, Brazil, Port of Spain, Trinidad, B. W I. and Havana, Cuba.

Notice is hereby given that the above-entitled proceeding, now assigned for hearing on October 11, 1949, is postponed to October 21, 1949, at 10:00 a. m. (eastern standard time) in Room 2029, Temporary Building No. 4, 17th Street and Constitution Avenue, NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., October 7, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-8178; Filed, Oct. 10, 1949; 9:32 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8176]

TERRELL BROADCAST CORP.

ORDER CONTINUING HEARING

In re application of Terrell Broadcast Corporation, Terrell, Texas, for construction permit; docket No. 8176, File No. BP-5778.

The Commission having under consideration applicant's petition filed September 14, 1949, requesting an indefinite continuance of the hearing in the above-entitled matter; and

It appearing, that there is now pending before the Commission a petition for reconsideration and grant without hearing and that a continuance pending disposition of said petition is in order; and

It appearing further, that no opposition has been filed to the petition for indefinite continuance;

It is ordered, This 26th day of September 1949, that the petition be and it is hereby granted and the hearing presently scheduled to commence September 29, 1949, is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] J. FRED JOHNSON, Jr.,
Hearing Examiner

[F. R. Doc. 49-8135; Filed, Oct. 10, 1949; 8:48 a. m.]

[Docket No. 9433]

ALL AMERICA CABLES AND RADIO, INC., ET AL.

ORDER ENLARGING ISSUES

In the matter of All America Cables and Radio, Inc., The Commercial Cable Company, and Mackay Radio and Telegraph Company, Inc., regulations and practices for and in connection with acceptance and delivery of overseas and foreign telegraph messages; Docket No. 9433.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of September 1949;

The Commission, having under consideration its order of August 31, 1949, herein; and having also under consideration a petition filed on September 8, 1949, by All America Cables and Radio, Inc., The Commercial Cable Company and Mackay Radio and Telegraph Company, Inc., respondents herein, designated as a "Petition to Enlarge the Issues and Bring in Other Parties" in which petition respondents allege that other carriers rendering overseas or ship-shore telegraph service are engaging in acceptance and delivery practices similar to those proposed by respondents in the tariff schedules under suspension herein, and that full and proper consideration of the matters involved in the proceeding herein can only be had upon inquiry that extends to all the carriers rendering overseas or ship-shore telegraph service and their several tariff schedules; and a telegram dated September 12, 1949, from The Western Union Telegraph Company, intervenor herein, in

which it is urged that the petition be granted;

It appearing, that inquiry should be made concerning the acceptance and delivery practices of the telegraph carriers subject to the jurisdiction of the Commission, including the ship-shore telegraph carriers, in addition to the respondents herein, to determine whether such carriers are engaging in practices similar to those proposed by the respondents in the tariff schedules under suspension herein; if so, the extent of such practices, and the applicable tariff regulations and terminal charges; and to determine whether such practices are lawful under the Communications Act of 1934, as amended;

It is ordered, That the proceeding herein shall include an investigation into the matter of whether any telegraph carrier subject to the jurisdiction of the Commission (including ship-shore carriers) is engaging in acceptance or delivery practices similar to those proposed by respondents herein in the tariff schedules suspended by the Commission's order of August 31, 1949, herein; and if so, the exact nature and extent of such practices;

It is further ordered, That without in any way limiting the scope of the hearing and investigation herein, inquiry shall be made into the following specific matters in addition to those set forth in the order of August 31, 1949, herein:

(1) Whether any carriers in the United States rendering telegraph communication service between the continental United States and overseas or foreign points, or with ships at sea, accept traffic from or deliver traffic to users at points beyond the respective international gateways or coastal stations of such carriers, by telephone, TWX or otherwise (other than by means of the domestic telegraph landline system), and, if so, the extent of such practices, and the applicable tariff regulations and terminal charges;

(2) Whether such practices and tariff regulations providing therefor, if any, are lawful under sections 201 (b) and 202 (a) of the Communications Act of 1934, as amended;

(3) Whether, in the event any of said carriers are engaged in such acceptance and delivery practices without having filed appropriate tariff regulations providing therefor, there is any violation of the provisions of section 203 of the Communications Act of 1934, as amended;

It is further ordered, That in addition to the respondents named in the order of August 31, 1949, herein, the following telegraph carriers are hereby made parties respondent to this proceeding:

The Western Union Telegraph Company.
Commercial Pacific Cable Company.
The French Telegraph Cable Co.
Globe Wireless, Ltd.
RCA Communications, Inc.
Press Wireless, Inc.
Tropical Radio Telegraph, Inc.
United States-Liberia Radio Corporation.
South Porto Rico Sugar Company.
Cable and Wireless (West Indies) Ltd.
M. D. Strickland and E. W. Stephens, dba S & S Radio.
Central Radio Telegraph Co.
City of Baltimore, Maryland.
Clara Lee Warner dba Gulf Radio Service.
J. L. Dezauche, Jr. and R. A. Gartman.
E. M. Tellefson, dba Mackinac Radio Service.
Olympic Radio Company.
Radiomarine Corporation of America.
Clair C. Fetterly, dba Seattle Harbor Radio.
Wabash Radio Corporation.
Alfred Ficciano.

It is further ordered, That each carrier made respondent by this order shall, on or before October 12 ,1949, file with the Commission a statement setting forth whether, and to what extent, in the continental United States, it accepts overseas or ship-shore telegraph traffic from or delivers such traffic to users at points beyond the gateway cities, or coastal stations of such carrier, by telephone, TWX or otherwise (other than by means of the domestic telegraph landline system)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-8134; Filed, Oct. 10, 1949; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6239]

KENTUCKY UTILITIES CO.

NOTICE OF APPLICATION

OCTOBER 5, 1949.

Notice is hereby given that on October 4, 1949, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Kentucky Utilities Company, a corporation organized under the laws of the Commonwealth of Kentucky, with its principal business office at Lexington, Kentucky, seeking an order disclaiming jurisdiction or, in the alternative, an order authorizing the issuance and sale at competitive bidding of 25,000 shares of 4¾% Preferred Stock, par value $100 per share, and authorization to offer to the holders of its outstanding Common Stock of record at the close of business on the "record date": (a) The right to subscribe for and purchase 165,500 shares of Common Stock at the rate of one share for each ten shares of Common Stock held of record on the record date at the subscription price of $10 per share; and (b) the conditional right to purchase at the subscription price of $10 per share any of the Common Stock shares which are not subscribed for (1) through the exercise of Rights to Subscribe and (2) pursuant to the offer to employees hereinafter set forth, but not exceeding as to any person the number of shares which such person subscribes for through the exercise of Rights to Subscribe; and authorization to offer to employees of the Company, including its officers, the right to purchase at the price of $10 per share, not exceeding 10,000 shares of the 165,500 shares of Common Stock not subscribed for, if any, by stockholders of the Company through the exercise of Rights to Subscribe. Subject to the foregoing limitation and to allotment in case of oversubscription, each employee may subscribe for and purchase not less than ten shares nor more than one hundred shares of Common Stock; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 24th day of October 1949, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-8127; Filed, Oct. 10, 1949; 8:46 a. m.]

[Docket No. G-1237]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

OCTOBER 4, 1949.

On July 6, 1949, United Gas Pipe Line Company (Applicant) a Delaware corporation having its principal place of business in Shreveport, Louisiana, filed an application, as supplemented on September 13, 1949, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing it to construct and operate certain natural-gas facilities in the States of Louisiana and Texas, subject to the jurisdiction of the Commission.

The facilities are more particularly described in the application and supplement thereto on file with the Commission and open to public inspection, and in the notice of filing of application hereinafter adverted to.

Applicant has requested that its application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure; and no request to be heard or protest has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 19, 1949 (14 F. R. 4500)

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on October 24, 1949, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37

(f) of the said rules of practice and procedure.

Date of issuance: October 5, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-8122; Filed, Oct. 10, 1949; 8:45 a. m.]

[Docket Nos. G-1239, G-1260]

BILLINGS GAS CO. AND TENNESSEE GAS TRANSMISSION CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 5, 1949.

Notice is hereby given that, on October 5, 1949, the Federal Power Commission issued its findings and orders entered October 4, 1949, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-8123; Filed, Oct. 10, 1949; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2197]

GAS SERVICE CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION IN CERTAIN MATTERS AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of October A. D. 1949.

The Gas Service Company ("Gas Service") a public utility subsidiary of Cities Service Company, a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder regarding the issuance and sale, at competitive bidding, of $18,000,000 principal amount of its First Mortgage Bonds, __% due 1969; and

The Commission having by order dated September 28, 1949, permitted said declaration, as amended, to become effective, subject to the condition that the proposed issuance and sale of bonds should not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed; and

Gas Service having, on October 5, 1949, filed a further amendment to its declaration setting forth the action taken by it to comply with the requirements of Rule U-50, and stating that pursuant to the invitation for competitive bids, the following bids for said bonds were received:

Bidder	Coupon rate	Price to company (percent of principal amount [1])	Cost to company
	Percent		*Percent*
Blyth & Co., Inc., and Kidder, Peabody & Co.	2⅞	100.099	2.868462
Merrill Lynch, Pierce, Fenner & Beane and White Weld & Co.	2⅞	100.095	2.868726
Halsey, Stuart & Co., Inc.	2⅞	100.083	2.869518
Union Securities Corp. and Harriman Ripley & Co., Inc.	3	101.78	2.882276
The First Boston Corp.	3	101.72	2.886204
Lehman Bros. and Stone & Webster Securities Corp.	3	101.36932	2.909213

[1] Plus accrued interest from Sept. 1, 1949.

Said amendment having further stated that Gas Service has accepted the bid of Blyth & Co., Inc. and Kidder, Peabody & Co. as set out above, and that said bonds will be offered for sale to the public at a price of 100.750% of the principal amount thereof, plus accrued interest from September 1, 1949, resulting in an underwriters' spread of 0.651% of the principal amount of said bonds; and

It appearing that declarant has obtained the necessary approvals from the State Commissions having jurisdiction over the proposed transactions; and

The Commission having examined said amendment and having considered the record herein, and finding no basis for imposing terms and conditions with respect to the price to be received by Gas Service for said bonds, the interest rate thereon, the underwriters' spread or otherwise, and it appearing appropriate to the Commission that the jurisdiction heretofore reserved to consider the results of the competitive bidding be released:

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds under Rule U-50 be, and the same hereby is, released and that said declaration, as further amended be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-8125; Filed, Oct. 10, 1949; 8:46 a. m.]

[File No. 70-2239]

QUEENS BOROUGH GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of October 1949.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Queens Borough Gas and Electric Company, a subsidiary of Long Island Lighting Company, a registered holding company. Declarant has designated section 6 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than October 20, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 20, 1949, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Declarant proposes to issue and sell for cash at principal amount to three commercial banks an aggregate of $1,500,000 principal amount of unsecured notes, each of which will bear interest at the rate of 2½% per annum and will mature September 26, 1950. The proceeds of the sale of the notes are to be used for payment of outstanding notes in an aggregate principal amount of $1,500,000 which mature October 26, 1949.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

Declarant requests that the Commission enter its order at the earliest date practicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-8124; Filed, Oct. 10, 1949; 8:46 a. m.]